

STATE OF SOUTH CAROLINA

(Caption of Case)

Annual Report of PBT Telecom, Inc.
Calendar Year Ending 2009

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2008 - 184 A
2010 - - C

(Please type or print)

Submitted by: Margaret M. Fox, Esquire

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input checked="" type="checkbox"/> Report	

Print Form

Reset Form

May 13, 2010

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Ms. Jocelyn Boyd
Interim Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

**RE: Annual Report of PBT Telecom, Inc.
Calendar Year Ending 2009**

Dear Ms. Boyd:

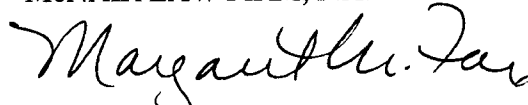
Please find attached on behalf of PBT Telecom, Inc., an Annual Report for calendar year ending 2009. We are filing herewith a written motion requesting confidential treatment of certain information contained within the Annual Report and, therefore, have enclosed both a public and proprietary (sealed) version of the Report in accordance with the Commission's practice governing designation of confidential information. The proprietary (sealed) version of the Annual Report is being hand-delivered to the Commission. The public version of the Annual Report and motion is being filed electronically.

Pursuant to Commission Rule 103-612(1) and Section 58-4-55(C) of the South Carolina Code of Laws, we are providing the Office of Regulatory Staff with a copy of the full report subject to confidential and proprietary treatment, with the pages stamped accordingly.

If you have any questions or need further information, please do not hesitate to contact me.

Very truly yours,

McNAIR LAW FIRM, P.A.


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MMF:rwm
Enclosures

cc: Ms. Dawn Hipp, Office of Regulatory Staff
Mr. Ben Spearman, PBT Telecom, Inc.

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA**

MOTION REQUESTING THAT MATERIALS BE TREATED AS CONFIDENTIAL

PBT Telecom, Inc. ("PBT") respectfully requests that the South Carolina Public Service Commission ("the Commission") treat certain materials accompanying this motion as confidential. This motion is made on the following grounds:

1. PBT is filing with this Motion both public and proprietary (sealed) versions of its Annual Report for calendar year ending 2009.
2. Pursuant to Commission Regulation 103-612(1), a copy of the annual report must be provided to the Office of Regulatory Staff ("ORS"). Pursuant to Section 58-4-55(C) of the South Carolina Code of Laws, utilities that provide ORS with copies of or access to documents or information that is not part of a contested proceeding may designate certain information as confidential or proprietary if there is a good faith belief that the information is entitled to protection from public disclosure under the South Carolina Rules of Civil Procedure or any provision of South Carolina or federal law. Moreover, Commission Regulations provide that a "public record" does not include anything specifically exempted by statute or Commission order. S.C. Code Regs. 103-804(S)(2).
3. The accompanying information designated as "Confidential" in the attached Annual Reports is commercially-sensitive and proprietary business information that should be exempt from public disclosure. It contains proprietary business information relating directly to PBT's financial operations and falls within the definition of materials which may be exempted from disclosure. As a privately-held company, PBT does not make this information available to the public. Moreover, PBT is

governed under alternative regulation provisions. Confidential treatment of the financial documents is consistent with the Commission's prior rulings and prior treatment of similar information.

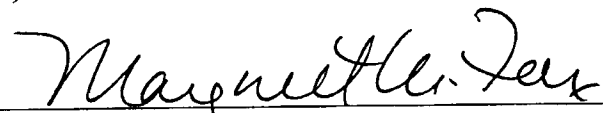
4. Disclosure of such commercially-sensitive information would be harmful in light of the more competitive telecommunications environment and, therefore, it is not appropriate to make this information publicly available. Access to this information could give actual and potential competitors an unfair competitive advantage.

5. In accordance with the Commission's guidelines, as set out in Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials," PBT has submitted a proprietary, un-redacted copy in a sealed envelope with each page marked "Confidential" in red ink, as well as a publicly-available copy with the confidential information redacted.

WHEREFORE, PBT Telecom, Inc., respectfully requests that the Commission treat the accompanying materials as confidential.

Respectfully submitted,

McNair Law Firm, P.A.
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By: 
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ATTORNEYS FOR PBT TELECOM, INC.

May 13, 2010
Columbia, South Carolina.